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C O N F I D E N T I A L BOGOTA 001322

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TAGS: PREL PGOV MARR PTER CO
SUBJECT: CHARGE RAISED HUMAN RIGHTS CONCERNS WITH ARMY
COMMANDER MONTOYA

Classified By: Charge d'Affaires Milton K. Drucker
Reasons: 1.4 (b) and (d)

Summary

¶1. (C) In the first of a series of periodic human rights meetings with COLAR Commander General Montoya, the Charge d'Affaires said we share concerns raised in the forthcoming UNHCHR annual human rights report that extra-judicial killings committed by COLAR personnel may be the unintended result of the COLAR's aggressive performance metrics. The Charge urged the COLAR to address these concerns and to cooperate with civilian investigations of alleged military human rights abuses. Montoya agreed that respect for human rights is key, citing advances in the COLMIL's human rights training and greater transparency in the application of justice. Charge reiterated U.S. support for military justice reform and conveyed concern over reports that some COLAR units may have ties to new criminal groups. End Summary.

UNHCHR: COLAR Incentives Prompting Extrajudicial Killings?

¶2. (C) Charge Milton Drucker met for breakfast on February 20 with Colombian Army Commander General Mario Montoya. The Military Assistance Group Commander and POL Counselor were also present. The POL Counselor told Montoya the forthcoming annual human rights report from the United Nations High Commission for Human Rights (UNHCHR) would discuss alleged extrajudicial killings committed by the COLAR. The report would note that such killings had occurred in 21 departments, and were not limited to a few isolated cases. The UNHCHR recognized the killings go against GOC policy, but suggested the problem could be an inadvertent result of the COLAR's aggressive rules of engagement, as well as its use of an enemy 'body count' as a main measure of success. Montoya said the COLAR considers it more important to capture or demobilize FARC, ELN or criminal group members than to kill them. He added that despite the dual challenges of a 30 percent expansion of personnel and a trebling of military operations from 2002 to 2006, the number of accusations against COLAR members dropped during the same period due to its focus on human rights training. Montoya offered to share the COLAR's rules of engagement and operational policies with the Embassy.

Concerns Over Due Prosecution of Military Cases

¶3. (C) The Charge voiced concern that few Colombian military personnel alleged to have committed human rights abuses have been jailed, creating a perception that the military protects offenders. For example, no Colombian military have been held responsible for the numerous alleged extrajudicial killings in the area around San Jose de Apartado. It was essential that the COLAR cooperate with civilian investigators to resolve these cases. He added that pending final resolution, it would be useful if the COLAR suspended personnel under investigation. Montoya explained that two civilian investigators from the Technical Investigative Corps (CTI) of the National Prosecutor's Office were now permanently assigned to each brigade to conduct on-site investigations after every combat. This should help clarify cases of alleged extrajudicial killings. He said whenever the National Prosecutor's Office opened an investigation against a member of the armed forces, COLAR policy was to place the individual involved on administrative duty at half pay. Montoya said he also frequently used his discretionary authority to boot out personnel placed in preventive detention pending trial.

Justice Reform; COLAR Ties to Illegal Groups

¶4. (C) The Charge relayed two final points to Montoya. First, he said the U.S. strongly supported GOC efforts to reform the military penal justice system. We hoped the recent letter from 200 retired COLMIL officers protesting proposed changes in the military justice system did not reflect active duty officers' views. Second, the U.S. was worried about reports that some COLMIL units were cooperating with illegal armed groups. He cited Narino department where we had information that a COLAR unit was working closely with the criminal group--Organizacion Nueva Generacion-- to combat the FARC and ELN. Montoya said the COLAR was committed to fighting the criminal groups; he would follow up on the reports regarding Narino.

¶5. (C) The Charge and Montoya agreed to meet periodically in the coming months to discuss human rights issues.

DRUCKER